

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TOMMIE L. CARTER,

Plaintiff,

v.

PATRICK C. HOOPER and BRENT H. EXNER,

Defendants.

ORDER

16-cv-54-bbc

Pro se plaintiff Tommie Carter is proceeding on a claim that defendants Patrick Hooper and Brent Exner used excessive force against him, in violation of the Eighth Amendment. Defendants have filed a motion for summary judgment on the ground that plaintiff failed to exhaust his administrative remedies before filing this lawsuit, as required by 42 U.S.C. § 1997e(a). A hearing on that motion is scheduled for September 28, 2016, to resolve a factual dispute regarding whether prison officials prevented plaintiff from filing grievances.

Now plaintiff has filed a motion to dismiss in which he concedes the exhaustion issue and agrees to dismiss this case. Accordingly, IT IS ORDERED that plaintiff's motion to dismiss and defendants' motion for summary judgment, dkt. ##43 and 68, are GRANTED and this case is DISMISSED for plaintiff's failure to exhaust his administrative remedies. The hearing scheduled for September 28, 2016 and the writ of habeas corpus ad

testificandum are CANCELED The clerk of court is directed to enter judgment and close this case.

Entered this 26th day of September, 2016.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge